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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,785	07/12/2000	Dong-Il Cho	00656	2551

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EXAMINER	
HASSANZADEH, PARVIZ	
ART UNIT	PAPER NUMBER
1763	10

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/614,785

Applicant(s)

CHO, DONG-IL

Examiner

Parviz Hassanzadeh

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8,9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (US Patent No. 6,290,864 B1) in view of Cannella (US Patent No. 4,889,609) and McQuarrie et al (JP 10-317169 A).**

Patel et al teach a silicon etching apparatus (Fig. 1) using  $\text{XeF}_2$  and a method of using the same, wherein the apparatus comprising:

a source chamber 11 containing  $\text{XeF}_2$  (*a loading chamber for loading  $\text{XeF}_2$* ), an *expansion chamber* 12 for collecting  $\text{XeF}_2$  gas from the source chamber 11, and an *etching chamber* 14 for performing an etching process on a sample; and

a first gas source 16 and a second gas source 18 in communication with the expansion chamber 12 for preparing a gas mixture with a ratio about 1:1 to about 500:1 to achieve greater etching selectivity and wherein the non-etchant gas source can be *nitrogen* (column 6, lines 10 through column 7, line 14; column 8, lines 50-67; and Table in column 8).

Patel et al fail to explicitly teach a step of eliminating air moisture in the loading chamber, the expansion chamber or the etching chamber.

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Cannella teaches a dry etching system (Fig. 1) wherein a load chamber 12, an unload chamber 16 and an etching chamber 14 are preferably purged with an inert gas and pumped down to or near a desired vacuum level in order to eliminate the *ambient atmosphere* and thus avoid contaminating the etching chamber 14 (column 11, line 56 through column 12, line 16).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the step of purging and pumping down the chambers as taught by Cannella in the operation of the system taught by Patel et al in order to eliminate the *ambient atmosphere* in the chambers and thus avoid contaminating the etching chamber. The purging would remove moisture and thus would eliminate formation of HF.

Patel et al further fail to teach a step of controlling the internal pressure of the loading chamber at a level between the sublimation pressure of  $\text{XeF}_2$  and atmosphere pressure to prevent sublimation of the residual  $\text{XeF}_2$  in the loading chamber after the first step.

McQuarrie et al teach a silicon etching apparatus (Fig. 1) using  $\text{XeF}_2$  and a method of using the same, wherein the apparatus including pressure sources 21 and 22 which are in communication with the source room 16 and tank 18 via a series of valves (*controlling internal pressure of the loading chamber*) in order to maintain a constant pressure within the source room 16 and the tank 18 (paragraph 0011).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the pressure control mechanism as taught by McQuarrie et al in the apparatus of Patel et al in order to control and maintain a constant pressure within the source chamber and the expansion chamber.

**Claims 8, 9 and 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McQuarrie et al (JP 10-317169 A) in view of Cannella (US Patent No. 4,889,609).**

McQuarrie et al teach a silicon etching apparatus (Fig. 1) using  $\text{XeF}_2$  and a method of using the same, wherein the apparatus comprising:

a source room 16 containing  $\text{XeF}_2$  (*a loading chamber for loading  $\text{XeF}_2$* ), a tank 18 (*an expansion chamber*) for collecting  $\text{XeF}_2$  gas from the source room 16, and an *etching chamber* 11 for performing an etching process on a wafer;

an inactive (inert) support gas supply section, 15 (*a means for injecting nitrogen*) that mixes with the etching gas before entering the etching chamber 11 (abstract and paragraphs 0001-0010); and

pressure sources 21 and 22 which are in communication with the source room 16 and tank 18 via a series of valves (*controlling internal pressure of the loading chamber*) in order to control and maintain a constant pressure within the source room 16 and the tank 18 (paragraph 0011).

McQuarrie et al fail to explicitly teach a step of eliminating air moisture in the loading chamber, the expansion chamber or the etching chamber.

Cannella teaches a dry etching system (Fig. 1) wherein a load chamber 12, an unload chamber 16 and an etching chamber 14 are preferably purged with an inert gas and pumped down to or near a desired vacuum level in order to eliminate the ambient atmosphere and thus avoid contaminating the etching chamber 14 (column 11, line 56 through column 12, line 16).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the step of purging and pumping down the chambers as taught by

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Cannella in the operation of the system taught by McQuarrie et al in order to eliminate the ambient atmosphere in the chambers and thus avoid contaminating the etching chamber. The purging would remove moisture and thus would eliminate formation of HF.

*Regarding claims 9, 13: The apparatus of McQuarrie et al also including a showerhead as shown in Fig. 1 for uniform distribution of the etchant gas ( $\text{XeF}_2$  gas is injected on the surface of wafer with a viscous laminar downflow using an injector having a predefined shape provided in the etching chamber).*

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al (US Patent No. 6,290,864 B1) in view of Cannella (US Patent No. 4,889,609) and McQuarrie et al (JP 10-317169 A) as applied to claims 8, 12 above, and further in view of Sinha et al (US Patent No. 6,123,765).**

Patel et al in view of Cannella and McQuarrie et al teach all limitations of the claim as discussed above except for measuring the weight of  $\text{XeF}_2$  in the loading chamber.

Sinha et al teach deposition apparatus including a gas delivery system 10 wherein a weight scale 24 is used to monitor the weight of the liquid chemical in a bubbler chamber 13.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the weight scale as taught by Sinha et al in the apparatus of Patel et al in view of Cannella and McQuarrie et al in order to monitor the weight of the xenon difluoride in the load chamber.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over McQuarrie et al (JP 10-317169 A) in view of Cannella (US Patent No. 4,889,609) as applied to claims 8, 9, 12, 13 above, and further in view of Sinha et al (US Patent No. 6,123,765).**

McQuarrie et al in view of Cannella teach all limitations of the claim as discussed above except for measuring the weight of  $\text{XeF}_2$  in the loading chamber.

Sinha et al teach deposition apparatus including a gas delivery system 10 wherein a weight scale 24 is used to monitor the weight of the liquid chemical in a bubbler chamber 13.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to employ the weight scale as taught by Sinha et al in the apparatus of McQuarrie et al in view of Cannella in order to monitor the weight of the xenon difluoride in the load chamber.

#### ***Response to Arguments***

Applicant's arguments filed 3/30/03 have been fully considered but they are not persuasive.

The Applicant asserts that reliance on Patel et al should be removed because the Applicant will submit a declaration under 37 CFR 1.131 confirming that the present invention was completed before the filing date of Patel et al patent on October 26, 1999.

The Examiner argues in the absence of convincing declaration under 37 CFR 1.131, Patel et al remains prior art as being filed before the present application filing date of July 12, 2000.

The Applicant asserts that Cannella does not teach purge gas being nitrogen for eliminating moisture in order to prevent formation of HF.

The Examiner argues that Cannella teaches a continuous plasma etching apparatus wherein the etching chamber and the loading and unloading chambers are purged with an inert gas before etching step in order to eliminate ambient atmosphere (air and moisture) and thus preventing contamination of etching chamber. Thus, formation of HF is prevented since moisture

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would be purged out of the chambers during purging step. Further, the selection of purge gas among the conventional purging gases such as Ar (inert gas), He (inert gas) and N<sub>2</sub> is considered to have been obvious and within the general knowledge of one of ordinary skills in the art, wherein N<sub>2</sub> is considered as a more affordable (less expensive) substitute for Ar and He. Furthermore, the gas source in the apparatus of Patel et al may be any of N<sub>2</sub>, Ar and He and, thus, any of such gases may be used in the step of purging the chamber (see Table on column 8 of Patel et al).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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*Imai et al (US Patent No. 5,716,494)* teach an etching apparatus including a gas distribution injector;

*Chen et al (US Patent No. 4,478,677)*, *Winter (US Patent No. 4,190,488)* and *Matsui et al (JP 61-134019 A)* disclose conventional silicon etching apparatus using xenon difluoride;

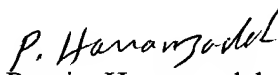
*Nakagi et al (JP10-209088 A)* and *Matsui et al (JP 61-181131 A)* disclose silicon etching apparatus wherein an inert carrier gas such as *nitrogen* is used to carry an etchant  $\text{XeF}_2$  gas to an etching chamber; and

*McQuarrie et al (US Patent No. 6,409,876 B1)* teach a dry etching apparatus including a loading chamber, and expansion chamber and an etching chamber.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Parviz Hassanzadeh whose telephone number is (703)308-2050. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703)308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

  
Parviz Hassanzadeh  
Examiner  
Art Unit 1763

April 3, 2003